

Claimant argues that once the ALJ received the new medical records, the ALJ was required to obtain an updated medical expert opinion. 96-6p recognizes that the ALJ must obtain an updated medical opinion where “new medical evidence is received that in the opinion of the administrative law judge or the Appeals Council may change the State agency medical or psychological consultant's finding that the impairment(s) is not equivalent in severity to any impairment in the Listing of Impairments.”

Upon receipt of the records, the ALJ did not obtain an updated medical opinion. It is unclear from his opinion whether the failure to obtain an updated opinion resulted from the fact that the ALJ reviewed of the records and determined that an updated medical opinion was unnecessary since the new medical evidence, in the ALJ’s opinion, would not change the consultant’s findings. Accordingly, this Court remands this case for clarification from the ALJ as to whether an updated medical opinion is necessary and, if so, for an updated opinion and decision.

IT IS SO ORDERED.

Date: May 29, 2007

/s/ DEAN WHIPPLE
Dean Whipple
United States District Court